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JERRY A. WHITWORTH
Held "top secret" clearance

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Alleged spy OKd twice for security rating

WASHINGTON (AP) — The Pentagon disclosed yesterday that Jerry A. Whitworth was cleared twice for his "top secret" security rating during the time when he is charged with spying for the Soviet Union.

Mr. Whitworth, 45, a retired Navy radioman, is one of four men charged with being part of a ring that passed secrets to the Soviets over a 20-year period.

When Mr. Whitworth was arrested in California Monday, the government said in its criminal complaint that he started spying "in or about 1965" and the last known incident of spying occurred in October, 1983, when he retired from the Navy.

That would mean that he would have undergone two "re-investigations" to keep his security clearances at the time he was engaged in espionage.

The Pentagon also acknowledged that two of the other three men arrested in the growing scandal had never been subjected to the security reviews, even though such probes are supposed to be conducted every five years for people with clearances.

"John Walker, Arthur Walker and Jerry Whitworth all possessed top-secret access while they were on active duty," said a statement from the office of Michael I. Burch, chief Pentagon spokesman.

"Of the three with top-secret clearance, it appears that only Whitworth had been the subject of a re-investigation, with the first conducted in 1969 followed by one in 1978."

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The fourth man charged, Michael Lance Walker, joined the Navy in December, 1982, but he had not held a security clearance long enough to be subjected to re-investigation.

Michael Walker was arrested two weeks ago while on active duty aboard the aircraft carrier USS Nimitz.

His father, John Anthony Walker, Jr., the alleged leader of the spy ring, served almost 21 years in the Navy before retiring in 1976. John Walker's brother, Arthur, served 20 years before retiring in 1973. Mr. Whitworth, who is not related to the Walkers, served 21 years on active duty before retiring in 1983.

The FBI, when it arrested Mr. Whitworth earlier this week, charged he had been providing classified information to the Soviets through John Walker, a long-time friend.

Both Mr. Whitworth and John Walker worked in sensitive radio communications posts before their retirement. Arthur Walker, who retired as a Secret clearance while on active duty. He held a top secret clearance at the time of his arrest because he was working for a Virginia defense contractor.

Pentagon and Navy officials were unable to say yesterday when the four men first received their clearances.

In court papers filed yesterday in U.S. District Court in Baltimore, John Walker's federal public defender argued that he should be allowed to continue representing Mr. Walker, despite the retired warrant officer's $239,253 in assets.

Fred Warren Bennett, the federal public defender for Maryland, contended that a tax lien filed against Mr. Walker by the Internal Revenue Service Tuesday in Norfolk Circuit Court makes it "extremely difficult, if not impossible" for his client to use any of his assets to hire a private attorney.

The IRS contends that Mr. Walker owes $252,487.66 in back federal taxes since 1979.

Because of that lien, and other liens for unpaid city taxes, Mr. Walker has a negative net worth of at least $79,702.66 and has become "indigent," Mr. Bennett argued in a memorandum to Judge Alexander Harvey II.

At Mr. Walker's arraignment Tuesday, Mr. Bennett had set Mr. Walker's net worth at $174,785 and urged the judge to order Mr. Walker to repay the government for his legal services at a specific rate. Yesterday, he asked the court to continue the order now in effect, which provides for possible reimbursement.

Mr. Walker owns real estate, an airplane and two boats and operates two businesses in Norfolk.

Judge Harvey did not rule on Mr. Bennett's request.

***Sun* reporter Karen E. Warmkessel contributed to this article.**